



**DEPARTMENT OF DEFENSE**

**Defense Acquisition Regulations System**

**[Docket DARS-2017-0006]**

**Negotiation of a follow on Reciprocal Defense Procurement Memorandum of Understanding with the Ministry of Defence of the United Kingdom of Great Britain and Northern Ireland and with the Republic of Finland**

**AGENCY:** Department of Defense (DoD).

**ACTION:** Request for public comments.

**SUMMARY:** On behalf of the United States Government, DoD is contemplating negotiating and concluding two follow on Reciprocal Defense Procurement (RDP) Memoranda of Understanding (MOU) with the Ministry of Defence of the United Kingdom of Great Britain and Northern Ireland and with the Republic of Finland, respectively. DoD is requesting industry feedback regarding its experience in public defense procurements conducted by or on behalf of the United Kingdom (UK) Ministry of Defence and by or on behalf of the Republic of Finland (Finland) Ministry of Defence.

**DATES:** Comments must be received by **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** Submit comments to Defense Procurement and Acquisition Policy, Attn: Ms. Patricia Foley, 3060 Defense

Pentagon, Room 5E621, Washington, DC 20301-3060; or by email to [patricia.g.foley.civ@mail.mil](mailto:patricia.g.foley.civ@mail.mil).

**FOR FURTHER INFORMATION CONTACT:** Ms. Patricia Foley, Senior Procurement Analyst, Office of the Under Secretary of Defense for Acquisition, Technology and Logistics (OUSD(AT&L)), Defense Procurement and Acquisition Policy, Contract Policy and International Contracting; Room 5E621, 3060 Defense Pentagon, Washington, DC 20301-3060; telephone 703-693-1145.

**SUPPLEMENTAL INFORMATION:** DoD has concluded RDP MOUs with 27 “qualifying” countries at the level of the Secretary of Defense and his counterpart. The purpose of a RDP MOU is to promote rationalization, standardization, and interoperability of conventional defense equipment with allies and other friendly governments. These MOUs provide a framework for ongoing communication regarding market access and procurement matters that enhance effective defense cooperation.

RDP MOUs generally include language by which the Parties agree that their defense procurements will be conducted in accordance with certain implementing procedures. These procedures relate to—

- Publication of notices of proposed purchases;
- The content and availability of solicitations for proposed purchases;
- Notification to each unsuccessful offeror;

- Feedback, upon request, to unsuccessful offerors concerning the reasons they were not allowed to participate in a procurement or were not awarded a contract; and

- Provision for the hearing and review of complaints arising in connection with any phase of the procurement process to ensure that, to the extent possible, complaints are equitably and expeditiously resolved.

Based on the MOU, each country affords the other country certain benefits on a reciprocal basis consistent with national laws and regulations. The benefits that the United States accords to the products of qualifying countries include—

- Offers of qualifying country end products are evaluated without applying the price differentials otherwise required by the Buy American statute and the Balance of Payments Program;

- The chemical warfare protective clothing restrictions in 10 U.S.C. 2533a and the specialty metals restriction in 10 U.S.C. 2533b(a) (1) do not apply to products manufactured in a qualifying country; and

- Customs, taxes, and duties are waived for qualifying country end products and components of defense procurements.

Both countries have been listed as “qualifying countries” in the definition of “qualifying country” at Defense Federal

Acquisition Regulation Supplement 225.003(10), and offers of products of the UK and Finland, or that contain components from these countries, would continue to be afforded the benefits available to all qualifying countries. This also means that U.S. products would be exempt from any analogous "Buy National" laws or policies applicable to procurements by the Ministry of Defence of each country.

While DoD is evaluating laws and regulations in this area, DoD would benefit from U.S. industry's experience in participating in public defense procurements issued by these countries. DoD is, therefore, asking U.S. firms that have participated or attempted to participate in procurements by or on behalf of the UK's Ministry of Defence or Finland's Ministry of Defence to let us know if the procurements were conducted with transparency, integrity, fairness, and due process in accordance with published procedures, and if not, the nature of the problems encountered.

DoD is also interested in comments relating to the degree of reciprocity that exists between the United States and the UK Finland when it comes to the openness of defense procurements to offers of products from either country.

**Jennifer L. Hawes,**

Editor, Defense Acquisition Regulations System.

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